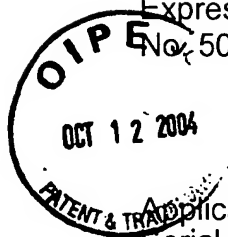


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SMX 3159.1 (2003-008R1)  
PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Martin Devenney et al.  
Serial No. 10/777,428  
Filed February 12, 2004  
Confirmation No. 2309

For COMBINATORIAL METHODS FOR PREPARING ELECTROCATALYSTS

October 12, 2004

**LETTER IN RESPONSE TO NOTICE TO FILE MISSING  
PARTS OF NON-PROVISIONAL APPLICATION - FILING DATE GRANTED**

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VIRGINIA 22313-1450

SIR:

The undersigned recently noticed that Applicants' "Letter Regarding Missing Parts of Application," which was previously submitted in the above-referenced application on April 20, 2004, has not yet been entered into PAIR. Accordingly, in response to the "Notice to File Missing Parts of Non-Provisional Application - Filing Date Granted," dated May 12, 2004, please find enclosed is a copy of the above-

\* noted Letter. A copy of this Notice is also being returned herewith.

Please note that a check in payment of the surcharge for a late oath or declaration was previously enclosed with Applicants' Letter. Additionally, Applicants clearly indicated on the Fee Transmittal sheet submitted with Applicants' Letter that any additional fees (e.g., filing fees, additional claim fees, etc.) were to be charged to Deposit Account No. 19-1345. However, to-date, it appears that these fees have never been charged to this Deposit Account.

\* Accordingly, in an abundance of caution, enclosed please find a check in the amount of \$1,636.00. Please note that this amount does not reflect the recent increases in the basic filing fee (now \$790.00) and the multiple dependent claim surcharge (now \$300.00). Please also note that no extension of time fees have been included in this amount.

Applicants respectfully submit that the above-noted authorization to charge Deposit Account No. 19-1345 was timely. As such, Applicants do not believe the additional filing fees and/or multiple dependent claim fees need to be paid. For the same reason, Applicants also do not believe any extension of time fees are due. However, if in spite of the foregoing it is determined that additional fees are due (e.g., filing fees, claim fees, and/or extension fees) and need to be paid, the Commissioner is hereby authorized to charge these fees, as well as any other required fees, to Deposit Account No. 19-1345. The Commissioner is also hereby authorized to credit any overpayment to Deposit Account No. 19-1345.

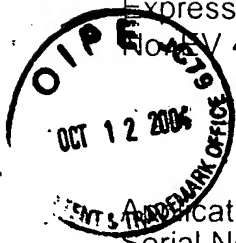
Please note that an assignment by the inventors to Symyx Technologies, Inc. was mailed on April 20, 2004.

Respectfully submitted,



Derick E. Allen, Reg. No. 43,468  
SENNIGER, POWERS, LEAVITT & ROEDEL  
One Metropolitan Square, 16th Floor  
St. Louis, Missouri 63102  
(314) 231-5400

DEA/skd  
\*Enclosures  
Mail Stop Missing Parts



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No. EV 432652273 US

SMX 3159.1 (2003-008R1)  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Martin Devenney et al.  
Serial No. 10/777,428  
Filed February 12, 2004

EV432652273US

For COMBINATORIAL METHODS FOR PREPARING ELECTROCATALYSTS

April 20, 2004

LETTER REGARDING MISSING PARTS OF APPLICATION

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS,  
SIR:

Applicants' have not received a "Notice to File Missing Parts of Application - Filing Date Granted," in connection with the above-identified patent application nor have they received a return postcard or a filing receipt for this application. In an abundance of caution, enclosed is Applicants' signed Declaration and Power of Attorney in the above-referenced application.

\* Also enclosed is a check for \$130.00 in payment of the surcharge.

Respectfully submitted,

Derick E. Allen, Reg. No. 43,468  
SENNIGER, POWERS, LEAVITT & ROEDEL  
One Metropolitan Square, 16th Floor  
St. Louis, Missouri 63102  
(314) 231-5400

DEA/skd

Box Missing Parts



FEE TRANSMITTAL

Application Number 10/777,428  
Filing Date February 12, 2004  
Confirmation No. 2309  
Inventor(s) Martin Devenney et al.  
Group Art Unit Unknown  
Examiner Name Unknown  
Attorney Docket Number SMX 3159.1 (2003-008R1)

**METHOD OF PAYMENT**

1. ☐ The Commissioner is hereby authorized to charge the indicated fees to Deposit Account No. 19-1345.
- ☐ The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17 to Deposit Account No. 19-1345.
- ☐ Applicant claims small entity status.
2. ☒ Check Enclosed. The Commissioner is hereby authorized to charge any under payment or credit any over payment to Deposit Account No. 19-1345.

**FEE CALCULATION**

1. ☒ BASIC FILING FEE Subtotal (1) \$ 770.00  
(Type: utility)
2. ☒ EXTRA CLAIM FEES Subtotal (2) \$ 866.00
- Total Claims 52  
Independent Claims 3  
Multiple Dependent Claims 4
3. ☐ ADDITIONAL FEES Subtotal (3) \$ \_\_\_\_\_
- ☐ Surcharge - late filing fee or oath  
☐ Surcharge - late provisional filing fee or cover sheet  
☐ Extension for reply within \_\_\_\_\_ month  
☐ Notice of Appeal  
☐ Filing a Brief in Support of an appeal  
☐ Request for ex parte Reexamination  
☐ Petitions to the Commissioner  
☐ Submission of Information Disclosure Statement  
☐ Recording each patent assignment per property  
☐ Request for Continued Examination  
☐ Other: \_\_\_\_\_

TOTAL AMOUNT OF PAYMENT \$ 1636.00

Derick E. Allen 10-12-04  
Derick E. Allen, Reg. No. 43,468 Date

DEA/skd

Express Mail Label No. EV 504796606 US

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FEE TRANSMITTAL

Application Number 10/777,428  
Filing Date February 12, 2004  
Confirmation No. Unknown  
Inventor(s) Martin Devenney et al.  
Group Art Unit Unknown  
Examiner Name Unknown  
Attorney Docket Number SMX 3159.1 (2003-008R1)



**METHOD OF PAYMENT**

1. ☐ The Commissioner is hereby authorized to charge the indicated fees to Deposit Account No. 19-1345.  
☐ The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17 to Deposit Account No. 19-1345.  
☐ Applicant claims small entity status.
2. ☒ Check Enclosed. The Commissioner is hereby authorized to charge any under payment or credit any over payment to Deposit Account No. 19-1345.

**FEE CALCULATION**

1. ☐ BASIC FILING FEE Subtotal (1) \$ \_\_\_\_\_  
(Type: \_\_\_\_\_)
2. ☐ EXTRA CLAIM FEES Subtotal (2) \$ \_\_\_\_\_  
Total Claims \_\_\_\_\_  
Independent Claims \_\_\_\_\_  
Multiple Dependent Claims \_\_\_\_\_
3. ☒ ADDITIONAL FEES Subtotal (3) \$ 130.00  
☒ Surcharge - late filing fee or oath  
☐ Surcharge - late provisional filing fee or cover sheet  
☐ Extension for reply within \_\_\_\_\_ month  
☐ Notice of Appeal  
☐ Filing a Brief in Support of an appeal  
☐ Request for ex parte Reexamination  
☐ Petitions to the Commissioner  
☐ Submission of Information Disclosure Statement  
☐ Recording each patent assignment per property  
☐ Request for Continued Examination  
☐ Other: \_\_\_\_\_

TOTAL AMOUNT OF PAYMENT \$ 130.00

*Derick E. Allen*

*4-20-04*

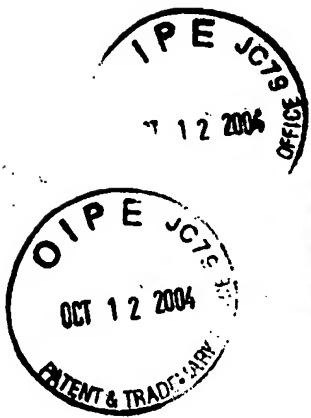
Derick E. Allen, Reg. No. 43,468

Date

DEA/skd

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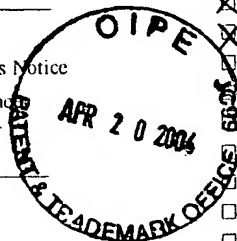
## MISCELLANEOUS

(390)

File Smx 3159.1 Attorney DEA/sk0  
Client Name Symyx Technologies  
Inventor(s) or Mark Martin Devennay et al.  
Serial No. 10/777,482 Patent/Reg. No. \_\_\_\_\_

The following has been received by the U.S. Patent and Trademark Office on the date stamped hereon:

- ☐ Amendment  
☐ Preliminary Amendment  
☐ Response to Missing Parts Notice  
☐ Assignment and Cover Sheet  
☐ \_\_\_\_\_ Brief  
☒ Check \$ 130.00  
☐ Letter to Commissioner  
☐ RCE Transmittal  
☐ Maintenance Fee  
☐ Section \_\_\_\_\_ Declaration  
☐ Other \_\_\_\_\_  
☐ Other \_\_\_\_\_
- ☒ Fee Transmittal Form  
☒ Combined Declaration/Power of Attorney  
☐ Notice of Appeal  
☐ Status Inquiry  
☐ IDS, PTO/SB/08A, \_\_\_\_\_ Reference(s)  
\_\_\_\_\_ Sheet(s) of Formal Drawing(s)  
☐ Letter to Official Draftsman  
☐ Issue Fee/PTO-85b/Certificate of Mailing  
☐ Publication Fee  
☐ Statement of Use  
☐ Extension of Time to Oppose



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034360

Date 4-20-04

18-1/1010

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FOR

SMX 3159.1

C. S. Leavitt



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included. Details on back.

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/777,482	02/12/2004	Martin Devenney	SMX 3159.1 (2003-008R1)

000321

SENNIGER POWERS LEAVITT AND ROEDEL  
ONE METROPOLITAN SQUARE  
16TH FLOOR  
ST LOUIS, MO 63102



CONFIRMATION NO. 2309

## FORMALITIES LETTER



\*OC000000012621507\*

Date Mailed: 05/12/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

10/14/2004 LWONDIM1 00000037 191345 10777482

FILED UNDER 37 CFR 1.53(b)

01 FC:1001		790.00 OP
02 FC:1202		576.00 OP
03 FC:1203	30.00 DA	270.00 OP
04 FC:1051	130.00 DA	

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$866 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$1766 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.



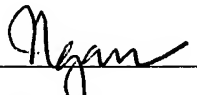
- Total additional claim fee(s) for this application is **\$866**

- **\$576** for **32** total claims over 20.
- **\$290** for multiple dependent claim surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice MUST be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE